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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,393	02/27/2002	Michiyuki Yamaoka	NAK1-BR11	6853

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SNELL & WILMER LLP  
1920 MAIN STREET  
SUITE 1200  
IRVINE, CA 92614-7230

EXAMINER
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TRAN, TUAN A

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 08/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/084,393

Applicant(s)

YAMAOKA ET AL.

Examiner

Tuan A Tran

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakamatsu et al. (6,725,064) in view of Son et al. (6,278,887) and further in view of Sano et al. (6,131,046).

Regarding claims 1-12, Wakamatsu discloses a portable telephone device (See fig. 1) which receives contents information distributed from a server in response to a request made by a user (inherently by dialing a particular number) for the contents information (See col. 1 lines 44-67), the portable telephone device comprising: a display panel 30 which displays the received contents information thereon; a backlight 56 which lights up the display panel; and lighting control means 56, 59 which turns on the backlight when the lighting control means detects completion of a display procedure for displaying a portion of the received contents information and subsequently all of the received contents information (See figs. 1-2, 4 and col. 3 lines 4-11, col. 4 lines 10-40). However, Wakamatsu does not mention that the portable telephone device comprises: a request detecting means including an instruction accepting means for accepting

from the user an instruction for requesting the contents information, and detects that the request has been made by detecting transmission of the instruction; the light control means turns off the backlight when the request detecting means detects that the request has been made; and the lighting control means, including a reception judgment means for judging whether the contents information is not received within a predetermined period of time since the request has been made, displays on the display panel a message that the contents information failed to be received and turns on the backlight. Son suggests a wireless communication device comprising a light control means (See fig. 1) configured to turn off the backlight when a request detecting means detects that the request has been made, wherein a request detecting means including an instruction accepting means for accepting from the user an instruction for requesting the contents information, and detects that the request has been made by detecting transmission of the instruction (See fig. 1 and col. 8 lines 1-47). Sano teaches a wireless communication apparatus (See fig. 1) comprising the display control means 101, including a reception judgment means 5 for judging whether the contents information is not received within a predetermined period of time since the request has been made, displays on the display panel a message that the contents information failed to be received (See figs. 1, 4 and col. 5 line 56 to col. 6 line 65). Since all of Wakamatsu & Son & Sano disclose, or teach or suggest portable (wireless) telephone having display and/or display backlight control means; therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the

Art Unit: 2682

portable telephone, as disclosed by Wakamatsu, in accordance to suggestions and teachings of Son & Sano respectively by reconfiguring the light control means for the advantage of reducing electric power consumption of the portable telephone device.

Claims 13-15 are rejected for the same reasons as set forth in claims 1-15.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Okada (6,317,614); Barber (6,029,072); Tomoyori (6,119,023).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan Tran** whose telephone number is **(703) 605-4255**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Vivian Chin**, can be reached at **(703) 308-6739**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Art Unit: 2682

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

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Tuan Tran

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VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

8/9/04